

**MINUTES**  
**HISTORIC DISTRICT COMMISSION**  
**Wednesday, May 7, 2008, 7:00 PM**

**MEMBERS PRESENT:** Chair Jessica Dockery, Vice Chair Mark Rhoades, Mark Bell (arrived at 7:03 p.m.), Joseph Council, and Holly Snyder.

**STAFF:** Planner Stephanie Trueblood.

**WITNESSES:** George Horton, Frank Doonan, Connie Semans, Mike Kirby, Nick Mincey, Drew Remaley, and Kim Kaplan.

**ITEM #1: Call to order, roll call, and confirmation of quorum.**

Ms Dockery called the meeting to order at 7:00 p.m., and Ms. Trueblood called the roll and confirmed the quorum.

**ITEM #2: Reading of the Commission's Mission Statement.**

Ms. Dockery read the Commission's Mission Statement and provided information on the Commission's processes.

**ITEM #3: Additions to the agenda and agenda adjustments.**

No additions or adjustments were made to the agenda.

**ITEM # 4: Approval of minutes from the March 5, 2008 and April 2, 2008 meetings.**

Regarding the March 5 minutes, Mr. Council said on page 8, middle of the page, there was a statement that said "Mr. Council said that because of the height of the structure there was a 10' legal requirement." He said he had not stated it that strongly, and that the words "might be" should be inserted so that it read "Mr. Council said that because of the height of the structure there might be a 10' legal requirement."

Mark Bell arrived at 7:03 p.m.

**MOTION:** **Mr. Council** moved to approve the minutes of March 5, 2008 as amended.

**SECOND:** **Mr. Rhoades.**

**VOTE:** Unanimously approved.

There were no corrections or additions offered for the April 2, 2008 minutes.

**MOTION:** **Mr. Council** moved to approve the minutes of April 2, 2008 as submitted.

**SECOND:** **Mr. Rhoades.**

**VOTE:** Unanimously approved.

Ms. Dockery noted that because the applicant for Item #5 was not yet present, the Board would consider Item #6 first, then go back to Item #5.

**ITEM # 6: Application for a Certificate of Appropriateness for George Horton to select the exterior brick color for the Orange County Office Complex and Public Library (TMBL 4.36.E.5, 4.36.E.5A).**

Ms. Dockery swore in George Horton and Stephanie Trueblood. Ms. Trueblood stated that the applicant was proposing two brick colors for the exterior of the buildings. She said the first was called Old Yorktown for the Library building, and the second was called Old Colony for the Office Complex. She provided photos of the two bricks and offered a description of each. Ms. Trueblood stated the Standard that applied was I for exterior color, and the Design Guideline that applied was Exterior Color.

Ms. Dockery said on one of the samples along the bottom the joints were scored but on the other along the bottom they were not, and asked was that a choice the HDC had. Mr. Horton replied it was his choice, noting that for the older brick he would likely use a grapevine and on the office building he would likely use a half round. He said the older brick was a tumbled brick in that it was irregular and a grapevine joint would show up nicely.

Ms. Trueblood said if you looked around the Town, there were many different kinds of brick and it would be hard to find two alike. She said she had discussed the brick with Mr. Horton, and one of the reasons he had chosen those bricks was so that the two buildings would not have a “campus” feel but would have individual character.

Ms. Dockery determined that none of the HDC members had a conflict of interest. She also determined that there were no members of the public present to speak for or against the application.

Mr. Council said he was receiving comments from friends and colleagues about the contrast between the Gateway Center brick and the parking garage brick. He said the concern was that if you used one or more additional styles or colors of brick that it would cause even more comments than had already been received, which had not been positive regarding the two different kinds and colors of brick on that property. Mr. Council said his final comment was that the tumbled brick shown as a sample looked almost too carefully contrived. Mr. Horton remarked they were not true tumbled brick. Mr. Council suggested that perhaps Mr. Horton might want to use the Old Colony brick.

Ms. Dockery said she had heard similar comments from the public, and believed that having two different kinds of brick might alleviate some of that concern. She said people had expected the two previous buildings to match but they did not, and if they continued that pattern of different brick it would be more of an explanation.

Mr. Council said he did not disagree, but a counter argument might be that these buildings were built so close in time to each other and so close physically to each other that people may expect continuity rather than variety. Ms. Trueblood said appealing to the public was not the commission's responsibility. She said applying the Standards and Guidelines to determine compatibility of the exterior color was the HDC authority. Mr. Council said he believed any of the choices Mr. Horton had offered would fit the Standards and Guidelines, and he was addressing a point that went beyond that.

Ms. Snyder stated she had heard similar comments as well, and said if these two bricks were used they would blend in with the Gateway Center, and the parking deck would stand out and be the modern building that it was. She said that perhaps these choices would be in keeping, noting the bricks Mr. Horton had chosen were similar but different. Ms. Snyder said having the grapevine joint was a wonderful idea and would help eliminate the sameness that Mr. Council had mentioned.

Mr. Horton said it was interesting to note that when those two buildings were built the amount of the parking deck that would be exposed would be reduced considerably. So, he said, there would not be that stark contrast that you had now from Margaret Lane looking towards the parking deck.

Mr. Bell said the samples appeared to show four panels, but had thought they were only considering two kinds of brick. Ms. Trueblood stated there were two sets of two that were the same. Mr. Horton added the differences Mr. Bell had detected were in the joints, noting the mortar would be matched when construction began.

Mr. Bell agreed that both brick color options would be appropriate, adding he believed the Old Yorktown with the grapevine was more appropriate for the Library.

Mr. Rhoades stated he liked the proposal as Mr. Horton had presented it, noting that any of the choices would be in keeping with the guidelines. He said that any opportunity they had to diminish the color of the parking deck and its look in general would be a good thing.

Ms. Dockery agreed the choices were both in keeping with the guidelines. She said it appeared that they were all in agreement that the color, style, and the mortar joints were in keeping with the guidelines, specifically the guidelines pertaining to the color of the brick.

**MOTION:**            **Mr. Council** moved to find as fact that the George Horton application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of

evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standard I, and the Design Guideline for Exterior Color.

**SECOND:** Mr. Bell.

**VOTE:** Unanimously approved.

**MOTION:** Mr. Council moved to approve the application as submitted with no conditions.

**SECOND:** Mr. Bell.

**VOTE:** Unanimous.

**ITEM # 5: Application for a Certificate of Appropriateness for Ellen Steinberg to construct a 580 square foot treated wood, rear deck that includes three planters and an outdoor shower and paint the brick house “Shortgrass Prairie” green at 313 N. Hassell Street (TMBL 4.18.G.8).**

Ms. Dockery swore in Frank Doonan. She determined that there was no one present who wished to speak for or against the application. Ms. Trueblood provided a brief description of the home at 313 N. Hassell Street, noting the applicant was proposing to construct a 580 square foot treated wood rear deck that included three planters and an outdoor shower, and to paint the brick Shortgrass Prairie green. She said no handrails were proposed as it was only 6 to 18 inches off the ground and therefore not required by Code. Ms. Trueblood provided the Board with a sample of the paint color as well as pictures of the house.

Ms. Trueblood said the Standards that applied were A for height, C for materials, D for texture, F for architectural details, I for exterior color, K for general form and proportion, L for orientation, and P for structural soundness, and the Design Guidelines that applied were Decks and Exterior Color.

Mr. Doonan said there had been some concerns expressed by the neighbors. Ms. Trueblood said the Town had not received any official contact and did not accept written statements anymore. Mr. Doonan said the general concern was the outdoor shower, and explained that the shower would be installed by a licensed contractor and would meet Code. He said another concern was the color, but he had not considered the color offensive to the neighborhood since it was very neutral. Mr. Doonan said there had also been concern about the treating of the deck and the material used, noting it would meet Code in all ways.

Ms. Dockery said she believed the deck conformed with the guidelines, and did not believe the guidelines addressed the exterior shower. She said the fact that brick had not been painted in the past in the district did go against the ordinance and the guidelines, and believed that part of the application was not in keeping with the guidelines. Ms. Dockery said the guidelines specifically stated that if brick had not been painted in the past, that it should not be painted.

Mr. Rhoades agreed with Ms. Dockery, and noted he also had reservations about the outdoor shower since there were no examples of an outdoor shower in the

historic district that he was aware of. Ms. Trueblood noted the HDC had approved an outdoor shower last month that was near a pool but was hidden from the public right-of-way, as this one would be. Mr. Doonan noted the shower would likely not be visible from any neighboring houses due to nearby trees and shrubs, and would be completely enclosed. He said they planned to add additional landscaping as well.

Mr. Bell noted that his neighbor had an outdoor shower enclosed on the side of a porch, and believed it was a great idea. He concurred with the proposal.

Mr. Council said he was in agreement with the application except for the proposal to paint the brick. He said he believed that went completely against the guidelines. Mr. Council suggested splitting the application into two parts, with the shower and deck as one part and the paint as the other, and vote on them separately.

Ms. Dockery stated they could approve the application as a whole with the condition that the brick not be painted.

Ms. Snyder said there was a brick ranch house on Union Street with painted brick, with Ms. Trueblood adding there was one on Cameron as well. She said she did not know when they were painted, but there were examples of painted ranch houses in the district as well as some with painted brick foundations and some painted brick additions. Ms. Snyder said it seemed to her that part of the history of brick ranches was that the brick was painted, but that was certainly not true for older buildings. She said she believed they needed to continue with their current interpretation of the guidelines, but that might be something to think about when future modifications were considered. Ms. Snyder said it was a legitimate part of the history of brick ranch houses to have painted brick, and it was something the HDC should consider.

Ms. Dockery said she believed the Board was in agreement that the deck and show was acceptable, but that the brick should not be painted.

**MOTION:**           **Ms. Dockery** moved to find as fact that the Ellen Steinberg application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards A, C, D, F, I, K, L, and P, and Design Guidelines for Decks and Exterior Color.

**SECOND:**           **Mr. Bell.**  
**VOTE:**               Unanimously approved.

**MOTION:**           **Ms. Dockery** moved to approve the application as modified with the condition that the brick would not be painted.

**SECOND:**           **Mr. Rhoades.**

**VOTE:** Unanimously approved.

**ITEM # 7: Application for a Certificate of Appropriateness for Connie Semans to install 2 wall mounted signs and 1 freestanding sign for Locopops at 121 W. Margaret Lane (TMBL 4.36.E.9).**

Ms. Dockery swore in Connie Semans. Ms. Trueblood provided a brief description of the application and details of the building, stating that the building was a contributing 1931 building. She said the applicant was proposing to install 2 wall mounted signs and 1 freestanding sign, with one hanging from the porch eave and measuring 68” long by 12” tall. She said the second sign would hang below the freestanding sign for Laura Wessel Photography, would be oval in shape, and exactly the same size as the existing sign. Ms. Trueblood said the new Sign Ordinance allowed only one freestanding sign up to 20 square feet of signage, so the other sign post would have to be removed. She said the third sign would only be up during business hours and would be hung beside the front door, noting it was also oval, 16” wide and 8½” tall. Ms. Trueblood said all signs met the Sign Ordinance requirements and were all made of wood.

Ms. Dockery determined that none of the HDC members had a conflict of interest, and that there were no citizens present who wanted to speak for or against the application.

Mr. Rhoades asked how the new sign would be affixed below the photography sign. Ms. Semans stated it would hang by metal grommets and a link, allowing the sign to swing slightly.

Ms. Dockery said she believed the signs and materials fit the guidelines.

**MOTION:** **Mr. Bell** moved to find as fact that the Connie Semans application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standard C, D, F, L, and O.

**SECOND:** **Mr. Rhoades.**

**VOTE:** Unanimously approved.

**MOTION:** **Mr. Bell** moved to approve the application as submitted with no conditions.

**SECOND:** **Mr. Rhoades.**

**VOTE:** Unanimous.

**ITEM # 8: Application for a Certificate of Appropriateness for Mike Kirby to construct a 740 square foot rear addition and an 84 square foot porch at 209 N. Hassell Street (TMBL 4.29.B.8).**

Ms. Dockery swore in Mike Kirby and Nick Mincey. Ms. Trueblood provided a brief description of the structure, noting the applicant was proposing to construct

a 740 square foot rear addition and an 84 square foot porch and that all materials would match existing materials. She said there was also a skylight on the roof of the north elevation, and that new windows would be 1/1 sash. Ms. Trueblood said that the Standards that applied were A for height, C for materials, D for texture, F for architectural details, K for general form and proportion, L for orientation, and P for structural soundness, and the Design Guidelines that applied were Decks and Additions to Existing Buildings.

Ms. Dockery determined that none of the HDC members had a conflict of interest, and that there were no citizens present who wanted to speak for or against the application.

Ms. Dockery asked about the current windows. Mr. Kirby responded they were solid vinyl.

Mr. Council remarked that it had been pointed out in the past that skylights were not particularly appropriate in the district, but this one appeared to be on the back of the house and therefore no visible.

Ms. Dockery commented that they also had the new guidelines that stated that skylights should be allowed. Ms. Trueblood said the guideline said that solar panels were allowed for energy efficiency, but did not know if that covered skylights. She said in the past the HDC had considered solar panels and skylights on roof elevations that could not be seen from the public right-of-way.

Mr. Council said if the skylight could not be seen from the public right-of-way, he had no problem with it.

Mr. Bell asked if the existing 1/1 windows were single hung or double hung. Mr. Mincey said they were double hung.

Mr. Rhoades asked if the plan was to erect another wall parallel to the existing rear wall of the property, and then tack on the addition. Mr. Mincey said the new addition would share the common back wall, and the two living structures would be open to each other. He added that the materials would also be matched with the existing material. Mr. Mincey said there was a slope from rear of lot to front of lot, and they would be cutting into the slope in the back to divert water around the structure.

Ms. Dockery asked about the offset on the elevation on the north side. Mr. Mincey said it was a 12" offset. He said the ridgeline of the new roof would be slightly below the existing ridgeline, approximately one foot.

Ms. Dockery asked if the rear door would match the existing front door. Mr. Mincey said because of the slope of the lot, they were trying to avoid adding additional windows on the back wall of the house. He said the one rear window

was an egress window that was required, but because the other window was close to ground elevation they were trying to avoid putting windows on the back wall. Mr. Mincey said the window in the back door was a way to get light into the new space.

Mr. Rhoades asked about the material for the door. Mr. Mincey said he assumed it would be a metal clad exterior door.

Ms. Snyder asked about the pitch on the existing house. Mr. Mincey said he believed it was a twelve-six, and the new pitch was a twelve-five. Mr. Mincey said he had lowered the pitch on the back to keep the new addition below the existing house.

Ms. Dockery said she believed the Board was in agreement that the application was in keeping with the guidelines.

**MOTION:** **Mr. Council** moved to find as fact that the Mike Kirby application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standard A, C, D, F, L, and P, and Design Guidelines for Decks and Additions to Existing Buildings.

**SECOND:** **Mr. Bell.**

**VOTE:** Unanimously approved.

**MOTION:** **Mr. Council** moved to approve the application as submitted with no conditions.

**SECOND:** **Mr. Rhoades.**

**VOTE:** Unanimous.

Ms. Trueblood stated that the applicant for Item #9 had not yet arrived, and suggested attending to other business at this time. She introduced David McCullough who was in attendance and had expressed an interest in possibly serving on the HDC.

**ITEM # 10: Commission and Staff Reports/Updates**

- **Distribute minutes from the Joint BOA/HDC meeting March 17, 2008.**

Ms. Trueblood stated that she had included in tonight's packet the minutes from the joint meeting with the Board of Adjustment on March 17. She said this Board did not need to approve them, as they would be approved by the BOA.

- **Public Works projects in the historic district:** Ms. Trueblood said several weeks ago they had discussed the scope of work for issues to be dealt with over the next year, and those issues had been prioritized. She said they had looked at existing issues, and since that time one other issue had been brought to her attention that the Board might want to add. Ms. Trueblood said there were some

historic districts that had guidelines that helped to guide public works projects in the historic district, and the Town did not have anything of that sort. She said the HDC had always assumed that such projects needed a Certificate of Appropriateness as long as the projects were not related to roads. Ms. Trueblood said as the Town grew, they would see a push for walkability and sidewalks, and potentially ADA issues such as cutting into slopes that may be historic. She said the HDC had no guiding principles to address such issues, and believed that might be a conversation the Board would need to have, and then pass on to Public Works some recommendations for certain types of public works projects in the historic district. Ms. Trueblood said if the Board wanted to add that to the list, she would need guidance as to where on the list it should be included.

Mr. Bell said it should be on the list and it should be placed high as a priority, noting there was a project ongoing in front of his house on West King Street and that corner of north Wake and West King had some historic Cornwallis curbstones sticking up out of the side of the road. He said many people did not know what they were or why they were there, noting such features were significant but were easily overlooked and could be easily destroyed by a public works crew.

Ms. Trueblood suggested putting it on the list, and perhaps scheduling a training meeting where the larger concerns were addressed and perhaps feedback from others was requested. The Board agreed to that suggestion.

- **Town Clock Committee:** Mr. Bell stated he had attended the second meeting of the Town Clock Committee, and the lighting of the clock as well as lighting the tower was discussed. He said the Committee was attempting to get a bid on the design, and was also working on getting a grant from the Tourism Board. Mr. Bell said the Committee had gone from a \$5,000 design and \$5,000 implementation budget to a \$10,000 design budget, the reason being that it must be tastefully designed and approved by the HDC, and they wanted to do it right and not just flood it with light. However, he said, there were some Committee members who believed “the more light, the better.”

Ms. Trueblood said she had understood from Planning Director Margaret Hauth, who was at that meeting, that the Town’s current Lighting Ordinance stated that lights had to be shut off at the close of business hours, and therefore that proposal would not meet the ordinance. She said if the Committee wanted to go forward with that proposal they would need a text amendment, which required that it go to public hearing, to the Planning Board, and then to the Town Board before they could even propose it to the HDC.

Mr. Bell agreed that was correct, noting that the consensus of the Committee was that was exactly what they would do. Ms. Trueblood stated that if any of the HDC members wanted to speak at the public hearing, they could prepare a written

statement to be read. She noted that the Planning Board and the Town Board would be present at that public hearing.

Mr. Rhoades asked if the HDC had any say over excessive lighting. Ms. Trueblood said what the HDC had say over was that they were considered the preservation experts in Town, and the HDC was appointed to give the Town Board recommendations as to how and when it was appropriate to change things in the historic district. She said the Town Board would look to the HDC for a recommendation on how to treat a proposal such as this one.

Mr. Bell said the recommendation the HDC would make would be whether it was appropriate according to the guidelines to shed light on the clock or not, but not so much how much light should be used. Ms. Trueblood said she believed the HDC would not be bound to its standards and guidelines for this type of recommendation, but could if they wanted to offer the opinion as to what type of lighting was appropriate. She said they were free to say whatever they wanted at a public hearing, either as citizens or as members of the HDC.

Ms. Snyder stated she believed they needed to discuss it and reach a consensus, and then write a letter to be read at the public hearing.

Mr. Bell asked would that be prejudicing a COA before it came before the HDC. Ms. Trueblood said when it came before the HDC as a COA, then they would be bound to the standards and guidelines. But, when it went to public hearing with no COA proposed, then the HDC could form an opinion of the Board and have that read into the public record.

Ms. Dockery stated they would need to be careful about their wording to make sure there was no hint of previous bias. Ms. Trueblood suggested that the Board be careful that what was being put forward as the opinion of the Board was clearly worded. Ms. Dockery said the letter could say that it was the opinion of the HDC members as a whole, rather than an opinion of the HDC.

Mr. Council said lawyers knew that opinion letters had to be written based on the law and statutes as they stood at that time as well as precedential cases from the past. He said if they were going to go to the effort to write an opinion letter, it needed to be tied back into something that was already there instead of just giving a statement of how they felt. Mr. Council said they needed to find something done in the past to tie it to. Ms. Trueblood said she believed it was too early to even form an opinion, since they did not yet know how much light, what type of light, etc. was to be proposed, and all of those issues would form whatever opinion the HDC members might have. Mr. Council said he would not be comfortable writing an opinion letter at this time. Ms. Trueblood responded it was not necessary to consider that now since they did not yet know if it would go to public hearing. She suggested that Mr. Bell continue attending the Committee

meetings, collect as much information as possible, and bring that back to this Board.

Ms. Trueblood said what the text amendment would likely be saying was in certain circumstances that lighting should be allowed in the downtown district beyond business hours. She said that was what the HDC's opinion would be based on, not the specific clock or tower. Ms. Trueblood said the text amendment would affect the lighting downtown, so however that text amendment was worded the HDC would have to really think about how that could be applied to any other properties in the historic district and how it affected the character of the district.

Mr. Bell said he believed the Committee was in agreement that they wanted to tailor the text amendment and make it as narrow as possible to apply only to the clock. Ms. Trueblood recommended waiting to see what happened. Mr. Bell said now that the design phase was going to cost so much more than they had initially proposed to ask from the Tourism Board, this project could become a multi-year project.

Mr. Bell said he was trying to be very neutral during the Committee meetings, and was listening and offering thoughts but remaining detached.

**ITEM # 9: Application for a Certificate of Appropriateness for Andrew Remaley to construct a 10' x 16' storage shed in the rear yard at 223 W. Orange St.(TMBL 4.18.D.2A).**

Ms. Dockery swore in Andrew Remaley and Kim Kaplan. Ms. Trueblood provided a brief description of the house, noting that the applicant was proposing to construct a 10' x 16' storage shed in the rear yard set five feet from the property line. She said the shed would have T-111 siding, asphalt shingles, reclaimed windows reused from the house and steel doors.

Ms. Trueblood said the standards that applied were A for height, B for setback, C for materials, D for texture, F for architectural details, G for roof shape, H for roofing materials, I for exterior color, J for proportion of windows and doors, K for form and proportion, L for orientation, M for scale, N for proportion of the façade, O for appurtenant fixtures, and P for structural soundness. She said the Design Guidelines that applied were New Construction of Outbuildings and Garages.

Ms. Dockery determined that none of the HDC members had a conflict of interest, and that there were no citizens present who wanted to speak for or against the application.

Mr. Bell asked what was T-111 siding. Mr. Remaley stated it was textured plywood with vertical grooves.

Ms. Snyder asked about the reclaimed windows, asking did they slide. Mr. Remaley said they did slide, and were vinyl framed. Ms. Snyder said she was happy to see that Mr. Remaley was actually building the shed rather than just buying one, and that he was using recycled materials from the original house.

Ms. Snyder asked would the shed be on concrete blocks. Mr. Remaley stated it would be on a monolithic concrete slab, which would be almost ground level.

Mr. Council stated he had no objections to the application, as did Mr. Bell.

Ms. Dockery asked if the steel door was solid. Mr. Remaley stated it was solid.

Ms. Snyder asked would they consider a little more of an overhang. Mr. Remaley stated they could easily put a small overhang on the front, and asked if she thought they needed one on the gable end. Ms. Snyder replied she believed it would look more in keeping with other sheds in the district if it had a little more of an overhang. Ms. Trueblood said she believed that would be at least 6". Mr. Remaley suggested doing 12" on the front and back and 6" on the sides.

**MOTION:**           **Mr. Rhoades** moved to find as fact that the Andrew Remaley application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standard A, B, C, D, F, G, H, I, J, K, L, M, N, and O, and Design Guidelines for New Construction of Outbuildings and Garages.

**SECOND:**           **Mr. Bell.**

**VOTE:**               Unanimously approved.

**MOTION:**           **Mr. Rhoades** moved to approve the application as modified with the condition that the overhang be modified to 12" on the front and back, and 6" on the sides.

**SECOND:**           **Mr. Council.**

**VOTE:**               Unanimous.

**Other:**           **Temporary Garden Netting:** Ms. Snyder stated she wanted to broach a topic that she had believed would come up eventually and indeed she had been approached by someone asking that as food prices continued to increase and people were more interested in gardening, how they would protect their gardens from deer. She said there was interest in the removable, temporary nets that went over gardens for protection. Ms. Snyder said she had agreed to bring that up to the HDC just so the members could begin thinking about it.

Ms. Trueblood said if she had been approached in the office about such nets, she would not have had the ability to act on it at a staff level, and did not believe the HDC had much that would guide them in that respect.

Mr. Bell asked if the HDC could just say that such nets were temporary and not deal with them. Ms. Trueblood stated that “temporary” was hard to interpret unless someone actually stood before the Board and indicated how “temporary” the nets would be. Mr. Bell said his feeling was the Board would be agreeable to something that was temporary or removable and seasonal in nature. Ms. Trueblood said unless the Board wanted to amend the Minor Works list, what she would likely do was have people appear before the HDC and let the HDC deal with it. She said that would allow the HDC to place some modifications or conditions on the approval based on the site in question.

Ms. Dockery asked if it were added to the Minor Works list, what process would be needed. Ms. Trueblood said she would write up the wording and bring it back to the HDC for approval, and once that was done it would be added to the Design Guidelines as a Minor Work and then such requests could be approved at the staff level.

Ms. Snyder said the wording would have to be very specific so that it would not include such things as the cat fence that was recently proposed.

Ms. Dockery said she would almost rather that such requests come before the Board, noting they could likely be dealt with in a matter of minutes. Ms. Trueblood said she would rather it be the Board’s decision as well.

**Robin Taylor-Hall property:** Mr. Rhoades asked about the structure on Churton Street owned by Robin Taylor-Hall, who had applied for a COA and then decided she wanted to do commercial tax credits. He said two sides of the building were open. Ms. Trueblood stated she had contacted Ms. Taylor-Hall twice and asked her to secure the building. She said Ms. Taylor-Hall had not yet responded, but she would pursue that. Mr. Rhoades said they needed to make sure that building was secured since it was entirely exposed, and he was concerned about rain damage as well as animals making use of it. He said that building would deteriorate very quickly if something was not done. Ms. Trueblood stated the Zoning Officer could go after it as a Code Enforcement issue.

**Tree:** Mr. Rhoades asked Ms. Trueblood to look into the issue of the tree. Ms. Trueblood said she would do so.

**Turnip Patch Park fence:** Mr. Rhoades asked about the Turnip Patch Park fence. Ms. Trueblood said if that fence was still an issue, then she needed direction from the Board because that had basically been resolved from the Town’s perspective. She said the original fence had been repaired and some parts removed to satisfy concerns expressed by citizens. She said the Town was still planning to put plant material to fill in the holes around the fence, but in terms of the height of the fence the outcry from the public had diminished.

Mr. Rhoades said plantings against the fence could go a long way in improving its appearance, and asked if that could be expedited. Ms. Trueblood stated the plantings would likely be done in the fall, and did not believe it could be done sooner.

**House next to Turnip Patch Park:** Mr. Rhoades said regarding the house next door, was the window still out of compliance. Ms. Trueblood said that needed to be followed up on. She said part of the problem was that when the owner had come before the HDC, she had said she would not be able to put all of the windows in right away because of the expense, and that she would put in windows where she wanted them, then go back and put in the windows she really wanted when she could afford it. Ms. Trueblood said the Board had agreed, but it had now been 2½ years. Ms. Trueblood stated she would contact the owner and reopen the discussion.

**Kevin McGraw house siding:** Mr. Rhoades asked about the Kevin McGraw house regarding the siding that had not been replaced on that structure. Ms. Trueblood stated that had been passed along as a Code Enforcement issue. She added that she believed the building permit for that house had expired, and it was now a County issue. Ms. Trueblood stated she would check on the status of that and report back to the Board.

Ms. Snyder stated it could not be good for the house the way it was now, noting the rain must be causing damage. Ms. Trueblood stated there was nothing in the rules that said when work was approved but was not carried out, that the HDC could require that the work be done, except for the Prevention of Demolition by Neglect Ordinance. She said in this case that could be used because it was a contributing house. Ms. Trueblood said she could not initiate Prevention of Demolition by Neglect, noting that a citizen had to write a letter of complaint that followed exactly to the word and the grammar the way it was written in the ordinance. Then, said she, she could do a staff visit and write a staff recommendation, contact the property owner, and then follow the Prevention of Demolition by Neglect guidelines.

Mr. Bell asked if the citizen could be a member of the HDC. Ms. Trueblood stated she would have to check with the Town Attorney for the answer to that.

**Colonial Inn and road:** Mr. Rhoades asked what was going on with the hotel on King Street and the tearing up of the street. Ms. Trueblood said she had no information on that, noting the Town had no authority over road projects. She said she would assume it had to do with utility lines, but knew it had nothing to do with the Colonial Inn.

**Rooster's Nest:** Mr. Council asked about the current status of the Rooster's Nest. Ms. Trueblood responded that project had a Stop Work order on it. Mr. Council stated he had observed the yellow tape that had been put up. Ms. Trueblood

stated the yellow tape had been put up to prevent Town officials from entering the site. Ms. Trueblood stated they were addressing that, adding that some grading had been done that was not approved. She said during the grading the grade was cut down below the stone wall so there was now two feet of dirt bank underneath the wall that was exposed.

Ms. Trueblood said as her part of the Stop Work order, she had asked the owner to apply for a Certificate of Appropriateness that showed the before and after grading and that showed how they planned to support that wall. She said the owner had also been asked to put in a stormwater engineering plan with Tom King as staff to the Board of Adjustment, because there was never any grading discussed with the Board of Adjustment so they had not required a stormwater engineering plan, which had to be approved by the Town's Stormwater Engineer. Ms. Trueblood said part of the Stop Work order included securing the building and that had now been done.

**ITEM # 11: Adjourn**

Ms. Dockery moved to adjourn the meeting at 8:41 p.m., seconded by Mr. Rhoades. The vote was unanimous.

Respectfully submitted,

---

Stephanie Trueblood, Secretary